



Paper No. 16

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**OFFICE OF PETITION
4/C PATENT**

In re Application of
Jay French et al
Application No. 08/432,280
Filed: May 1, 1995
Attorney Docket No. 014655-001

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 1997, to revive an unintentionally abandoned application.

The petition is granted.

This application became abandoned for failure to timely respond to the final Office action mailed October 10, 1996, which set a three month shortened statutory period for filing a response. A three month extension of time having been obtained pursuant to the provisions of 37 CFR 1.136(a), the date of abandonment of this application is April 11, 1997. Therefore, since this petition was filed within one year of the date of abandonment, the petition complies with the one year filing period requirement in 37 CFR 1.137(b).

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuation application stated to have been filed concurrently with the petition.

If the continuation application is one filed pursuant to the provisions of 37 CFR 1.62 or 1.60, applicant should file a written notice in the continuation application within

ONE MONTH from the mail date of this decision indicating that the present application has been revived for purposes of continuity and, accordingly, that the continuation application complies with the copendency requirements of the rules. The failure to file such a notice may result in the continuation application being inadvertently returned to applicant.

The statement of unintentional abandonment does not comply with 37 CFR 1.137(b). However, the statement presented will be accepted and construed as meaning that the "delay was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The file is being forwarded to Group 3300.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

A handwritten signature in cursive script, reading "Frances Hicks".

Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Assistant Commissioner
for Patent Policy and Projects